



UNITED STATES
 NUCLEAR REGULATORY COMMISSION
 REGION II
 101 MARIETTA STREET, N.W.
 ATLANTA, GEORGIA 30323

Report Nos. 50-335/93-04 and 50-389/93-04

Licensee: Florida Power and Light Company
 9250 West Flagler Street
 Miami, FL 33102

Docket Nos. 50-335 and 50-389

License Nos. DPR-67 and NPF-16

Facility Name: St. Lucie 1 and 2

Inspection Conducted: February 8-12, 1993

Inspector: William J. Tobin
 William J. Tobin, Senior Safeguards Inspector

3/4/93
 Date Signed

Accompanying Personnel: Nancy Ervin, NRR Reactor Security Specialist
 Aubrey Tillman, Safeguards Inspector

Approved by: David R. McGuire
 David R. McGuire, Chief
 Safeguards Section
 Nuclear Materials Safety and Safeguards Branch
 Division of Radiation Safety and Safeguards

3/4/93
 Date Signed

SUMMARY

Scope:

This special, announced inspection reviewed the licensee's Access Authorization Program (AAP) as required by 10 CFR Part 73.56 effective on May 28, 1991.

Results:

In the areas inspected, no violations were identified. The inspectors concluded that the licensee's Program was meeting the intent of the Rule and was characterized as having several strengths. As pro-active measures the licensee had been psychologically testing all of its employees prior to the Rule, and the licensee performs local police agency checks in addition to the required FBI fingerprint check. The licensee's audit program was judged to be extensive and effective, and the professionalism of all the AAP staff (site and corporate) was noted.

REPORT DETAILS

1. Persons Contacted

Florida Power and Light
(Juno Beach Corporate Staff)

*D. Bonthron, Access Supervisor
*D. Canazaro, Quality Assurance Supervisor
*A. Cummings, Operations Specialist
J. Goldberg, Nuclear Division President
*J. Hays, Nuclear Services Director
J. Pietrowski, Quality Assurance Auditor
E. Rutkowski, Contracts Coordinator
*R. Symes, Quality Assurance Manager
*J. West, Nuclear Security Manager
K. Wiesnowski, Nuclear Services Instructor

(St. Lucie Nuclear Plant)

*J. Allen, Access Coordinator
R. Boskey, Security Supervisor
J. Cooper, Instructor
K. Kirshtein, Fitness For Duty Coordinator
J. Talley, Fitness For Duty Supervisor
W. White, Security Manager

Contractors

T. Bucher, Catalytic, Supervisor
M. Carroll, Catalytic, Craftsman
M. Cooper, Catalytic, Craftsman
G. Fike, Pinkerton, Clerk
D. Johnson, Licensed Psychologist
R. Littleton, Power Services, Supervisor

U. S. Nuclear Regulatory Commission

S. Elrod - Senior Resident Inspector
M. Scott - Resident Inspector

*Denote those in attendance at the exit meeting

2. Access Authorization Program (AAP)

10 CFR 73.56, the NRC requirement for an AAP, was effective on May 28, 1991, and to be fully implemented as of April 27, 1992. The intent of the Rule is to ensure that those individuals granted unescorted access to nuclear power plants are trustworthy, reliable and do not pose a radiological threat to the safety of the public.

Licensees meet the Rules intent through pre-access background investigation, psychological evaluation and behavioral observation; all elements of the AAP.

By letter dated April 17, 1992, the licensee submitted Revision No. 34 to its Physical Security Plan committing to an AAP that satisfies the requirements of 10 CFR 73.56 as detailed in Regulatory Guide 5.66, "Access Authorization Program for Nuclear Power Plants."

a. Background Investigation (Transfer, Temporary, Reinstatement and Existing Access Authorizations)

Prior to this inspection, the NRC Resident Inspector at the St. Lucie Nuclear Station furnished the inspectors with numerous names of individuals granted unescorted access to the site under the licensee's AAP. This allowed the inspectors to randomly choose those background investigation files of licensee employees and contractors it wished to review. Twenty-five files were randomly chosen for inspection.

All background investigation files are located inside a secured office at the corporate office in Juno Beach, Florida. Three of the 10 employees on the corporate nuclear security staff are dedicated to the AAP and its associated documentation and procedures. Two additional employees, located at each site, perform Fitness For Duty functions and assist in implementing the AAP. Throughout this inspection, at both the corporate and site facilities, the professionalism of the AAP staff was noted; documentation was found to be thorough and accurate, procedures were well written, training of the AAP staff was evident, and supervision was of a high caliber. The inspector commented favorably on the licensee's AAP organization as a strength in the overall effort.

Discussion with licensee management personnel and review of randomly selected employee records and related documentation revealed that the licensee's established program for conducting background investigations of both Florida Power and Light Company (FPL) employees and contractors as part of the AAP process was indepth, thorough and in some aspects exceeded the minimum regulatory requirements. The background investigations for FPL employees and some contractors are conducted by a contractor, Pinkerton Investigative Services. The investigative results are provided to the AAP function within the licensee's corporate office where all information contained in the background investigation report and available from other services is reviewed indepth prior to making a determination for access. Recommendations regarding access are provided to the nuclear plant management for final decision for granting access. In addition to the background investigation conducted by Pinkerton Investigative Services, the licensee conducts local law enforcement agency checks on applicants for unescorted access. These police checks

are in addition to the FBI fingerprint checks required by the Rule.

It was noted that the licensee has approximately 150 contractors with personnel employed either full time or part time at the two nuclear power plant sites. Of the 150 Contractors 40 have their own screening programs. The remaining contractors are granted unescorted access either based on acceptable screening actions by other licensed nuclear power utilities, or background investigations accomplished by the licensee. The licensee conducts drug testing for all applicants and does not accept testing results provided by other utilities.

Review of twelve randomly selected personnel files including both FPL and contractor employees confirmed that screening actions to include the background investigations were complete, indepth and in compliance with regulatory requirements. There was evidence that questionable information was subjected to further inquiry and analysis with a concluding evaluation by a review panel prior to recommending access.

Further review determined that reinstatement of previously granted access for periods involving breaks in service of less than 30 days requires no additional screening or investigative actions. Reinstatement of access for periods of 30 to 365 days requires a partial update of the applicants background investigation to include activities during the period of absence and local law enforcement agency checks. Reinstatement of access for a period in excess of 365 days requires a full "bring up" of the applicants background investigation to include activities during the period of absence and local law enforcement agency checks if warranted. Available information contained in applicant records and discussion with licensee security management personnel determined that the level of background investigation required to meet established prerequisites for granting temporary unescorted access required approximately three days to accomplish. Completion of the full background investigation required 30 to 45 days. The licensee has established an aggressive audit program, further addressed in Section (d.) (5) of this report, to ensure the continued adequacy and effectiveness of contracted and vendor conducted background investigations.

Based on review of records and related documentation and discussions with Security and Quality Assurance management personnel, it was concluded that the licensee had established an effective and viable program for review and verification of the background of employees and contractor personnel as a prelude to granting unescorted access.

There were no violations of regulatory requirements noted in this area.

b. Psychological Assessment

As a pro-active measure, and pre-dating the NRC Rule, the licensee initiated psychological assessment of all employees granted unescorted access to its two nuclear sites, to include those of the Nuclear Division at the corporate office.

Through its contractor, Behavior Analysts and Consultants, the licensee administers the Minnesota Multiphase Personality Inventory 2, a 567 true/false questionnaire. Clinical interviews are reserved for those so identified by the scoring of the tests. Additionally, the contractor has a national data base of over 150,000 names tested at 21 other nuclear stations. This allows the licensee to be informed of such items as prior falsification of tests or conditions of denials by other licensees.

The inspectors "walked through" the actual mechanics of the test administration. Protection of the questions and answer sheets was noted, individuals taking the test were observed, and proctors were interviewed. NRC Notice 91-59 relative to fraudulent psychological assessment has been discussed with proctors and contractors by the licensee. The inspectors noted that positive identification is required and that "suitable inquiries" are made of the employee's past reliability and trustworthiness prior to taking the test.

Interviews of individuals who had been psychologically screened and a review of documentation, concluded that the psychological assessment element of the licensee's AAP was a major strength.

There were no violations of regulatory requirements noted in this area.

c. Behavioral Observation

Through interviews and documentation reviews the inspectors concluded that supervisors, to include contract supervisors, are trained in the detection of individual behavior changes that, if left unattended, could lead to detrimental activities. Supervisors are defined as anyone in the payroll status of a Plant Coordinator, Watch Engineer, Foreman, Chief Electrician or otherwise stipulated by a department manager in writing. To reinforce contract supervisors' awareness of their responsibilities in the AAP, the licensee sends a quarterly letter to supervisors relative to indications of aberrant behavior.

Additionally, student handouts, lesson plans and assorted media articles were reviewed and found, in total, to be acceptable for training employees and contractors who act as escorts.

Based upon the inspectors' interviews of various individuals, there is some confusion regarding employees/contractors reporting

arrests to their supervisors. This is a requirement in Industry Guidelines for Nuclear Power Plant Access Authorization Programs (August, 1989) which is part of Regulatory Guide 5.66. Some individuals recalled that they were to report only serious crime arrests, some felt only felonies should be reported, some were not too sure what to report nor to whom to report the arrest. An equal number answered that they would report any arrest to their supervisor. The inspectors located at least two documents signed by every individual processed through the licensees' AAP that attest to the instructions to report any arrest to their supervisors. In response to this confusion, the licensee volunteered to better publicize the reporting requirement through the ranks of the workforce, specifically the outage crew.

There were no violations of regulatory requirements noted in this area.

d. Other Elements of the Licensees AAP

(1) Procedures

The licensee uses six procedures to delineate the duties and responsibilities of implementing its AAP. These procedures address all the NRC criteria and guidance relative to such elements as: appeals, records retention, adjudication of questionable information, transfer or temporary access authorization, administering the psychological instrument, fingerprint checks, suitable inquiries, etc. As noted elsewhere, the AAP staff's competence and procedural adherence was part of this overall professionalism.

(2) Cold Shutdown

The licensee has chosen not to amend its Physical Security Plan to relax its AAP during mode 5 operation.

(3) Protection of Information

Procedure No. Doc - 2 titled "Protection of Confidential Information" details the licensee's intent of retaining original data for a five-year period following termination of access (except for criminal records obtained under 10 CFR 73.57 which are retained for only one year). The inspectors reviewed the licensees' log of incoming/outgoing data request and noted that AAP data is shared with other licensees. The Nuclear Management and Resources Council (NUMARC) "contact" sheets are used to expedite to flow of information.

(4) Appeals

Procedure No. IP-904, "Appeal Process" details duties of the AAP staff in the event of an appeal of denied access authorization. Three managers (Director, Nuclear Licensing; Manager, Nuclear Quality Assurance; and Manager, Nuclear Human Resources) are the members of the Appeals Committee who make recommendations to the Site Vice-President, who is the final authority. According to this procedure, appeals must be filed within ten days of the denial of access; however, in that the NRC Rule does not put a time limit on a person's right of appeal the licensee explained that for good reason the ten day limit would be waived to accommodate an appeal. The inspectors reviewed the seven denials to date (six were for psychological evaluation and one was for background investigation). The only appealed case was not reversed. In all cases the individual was advised of the appeal process.

Contracts of three randomly chosen vendors were reviewed and found to be adequately addressing all the AAP elements to a contractor. A three page Instruction Booklet, dated March 17, 1992, is furnished to the vendor, as part of the contract or purchase order, which details requirements under the licensee's AAP.

Procedure No. AI - 2, "Guidelines for Determining Suitability for Unescorted Access" is an example of the professionalism of the licensee's AAP. It provides specific criteria to be used during the interview of those persons with adverse information in this background investigations. This procedure is used at the sites by the Fitness For Duty Coordinators who adjudicate much of the adverse information.

(5) Audits

Discussion with the licensee's Quality personnel and review of procedural requirements and randomly selected audits of contracted and vendor programs confirmed that the licensee had established and maintained an effective and adequate program for auditing all participants in the licensee's AAP. It was noted that the licensee was a member of Shared Nuclear Access Authorization Audit Group (SNAAG), currently a ten-member nuclear utility audit function that controls and shares audit results of contractor and vendor. Access authorization vendor screening programs are audited at 12 month intervals. Review of randomly selected audits to include the licensee and contractor vendor programs revealed that the audits were conducted in depth, were very detailed and adequately addressed all aspects of the program. Documentation reflected that audit findings were appropriately identified, tracked and necessary corrective

actions implemented to preclude the continuation of unauthorized or unacceptable actions relating to access authorization. The SNAAAG conducted audits were particularly impressive in that very detailed checklists addressed the AAP area utilized. The checklists reflected specific items to be reviewed, detailed reference criteria, and provided for auditor evaluation and explanatory comments. Licensee QA personnel responsible for auditing the AAP to include participation in the SNAAAG audits were knowledgeable of program requirements and demonstrated an acceptable level of expertise.

It was further noted that audit of contractor self screening programs are generally conducted sixty days prior to licensee acceptance of "certification letters" as a basis for granting unescorted areas. As part of the audit of vendor or contractor self screening programs, vendor screening procedures are compared with NUMARC Standards and adherence to the provisions and criteria of the licensee's AAP is verified. Based on audit results, the QA Audit function provides recommendation for acceptance or nonacceptance to the licensee. Approval of vendor or contractor self screening programs is the responsibility and purview of the corporate security function. Available documentation reflected that as of May 13, 1992, the licensee had disqualified six contractor screening programs for failure to maintain program standards as outlined in 10 CFR 73.56 and Regulatory Guide 5.66.

Based on review of the licensee's established programs for auditing the AAP, it was concluded that the program was adequate and in compliance with commitments contained in Section 1.3, Revision 34 of the licensee's approved Physical Security Plan. As noted herein, Screening Programs for licensee and contractor employees granted unescorted access to the member licensee nuclear facilities are audited by QA personnel of the member licensees. The audits results are made available and are acceptable to meet audit requirements of the member licensees. In accordance with regulatory requirements, the licensee's AAP was audited during the period of March 9 - May 5, 1992, within twelve months of the program implementation, and will be subjected to audit at twenty-four month intervals thereafter. Licensee strengths were observed in the licensee's established audit program and no significant deficiencies were identified.

There were no violations of regulatory requirements noted in this area.

3: Exit Interview

The inspection scope and results were summarized on February 12, 1993, with those persons indicated in Paragraph 1. The inspector described the areas inspected and discussed in detail the inspection results. The inspector advised the licensee that its AAP was in compliance, meeting the intent of the Rule and characterized by many several as noted throughout this report. Dissenting comments were not received from the licensee.